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James A. Henricks

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application Of:	RICHARD J. RICHARDSON	Examiner: Ward, J.
Serial Number:	08/919,947	Group Art Unit: 2875
Filed:	August 29, 1997	
Title:	LIGHTING CIRCUIT, LIGHTING SYSTEM METHOD AND APPARATUS, SOCKET ASSEMBLY, LAMP INSULATOR ASSEMBLY AND COMPONENTS THEREOF	

Commissioner For Patents
P.O. Box 1450
Alexanadria, VA 22313-1450

REQUEST FOR COMPLETE CONSIDERATION OF
RESPONSE FILED DECEMBER 9, 2002, AND
REQUEST TO RESTART TIME PERIOD FOR RESPONSE TO OFFICE ACTION

Sir:

On May 12, 2003, Applicant received an Office Action, Paper No. 29. That paper was responding to a "communication filed on 09 January 2002." Applicant can find no Paper that

was filed 09 January 2002, and Applicant can find no response in the Office Action to Applicant's argument and evidence (REQUEST FOR RECONSIDERATION OF MARCH 8, 2002 FINAL REJECTION) filed December 9, 2002. Therefore, Applicant respectfully requests that the Examiner consider the Arguments and Evidence, including the Exhibit 1 (UL Report), and restart the Reply period.

BACKGROUND

A Final Rejection, Paper 22, was mailed March 8, 2002.

Applicant requested reconsideration (Paper 23?) May 21.

The Examiner responded June 11, 2002, in Paper No. 24 with a reference to a portion of Section 2 of the ARRL, the Amateur Radio Handbook, (69th Edition), which was faxed to Applicant on June 19. Applicant respectfully requests that this reference and its consideration be made of record in this case.

On September 16, 2002, Applicant filed an RCE with a request to suspend action for three months (Paper No. 26).

That request was granted, permitting response by December 16 (Paper No. 27).

On December 9, Applicant filed a paper titled REQUEST FOR RECONSIDERATION OF MARCH 8, 2002 FINAL REJECTION, with an Attached Exhibit 1 (UL Report) ("December 9 REQUEST"). A copy of the December 9 REQUEST is attached hereto and identified as Exhibit A. Applicant also filed a Seventh IDS and Forms 1449. A copy of the stamped return post card is attached hereto and identified as Exhibit B, showing that the REQUEST, UL Report and IDS were received.

In the recent Office Action, Paper No. 29, the Examiner acknowledges receipt of the IDS and Forms PTO-1449. However, no acknowledgement and no response are made to Applicant's REQUEST FOR RECONSIDERATION OF MARCH 8, 2002 FINAL REJECTION, and Attached Exhibit 1 (UL Report).

REQUEST TO CONSIDER DECEMBER 9 PAPER

Applicant's December 9 REQUEST was filed, as shown on Applicant's Return Post Card, Exhibit B. Clearly the Information Disclosure Statement filed concurrently with the Request was received, as the Forms PTO-1449 have been considered and initialed by the Examiner. However, the December 9 REQUEST did not make its way to the file. In that December 9 REQUEST, Applicant referred to a published UL Report, which demonstrated that it would not have been obvious to do what Applicant is claiming.

The December 9 REQUEST apparently did not make it into the Patent Office File. Therefore, the Office Action did not respond to all the material traversed, and the arguments in support thereof. MPEP Section 707.07(f). MPEP § 707.07(f) states that when an Examiner repeats a rejection or answers asserted advantages, he or she should "take note of the Applicant's arguments and answer the substance of it." "If it is the examiner's considered opinion that the asserted advantages are not sufficient to overcome the rejection(s) of record, he or she should state the reasons for his or her position in the record, preferably in the action following the assertion or argument relative to such advantages. By so doing the applicant will know that the asserted advantages have actually been considered by the examiner and, if appeal is taken, the Board of Patent Appeals and Interferences will also be advised. See MPEP § 716 et seq. for the treatment of affidavits and declarations under 37 CFR 1.132." Because the Examiner did not address the arguments or the supporting evidence (UL Report) contained in the December 9 REQUEST, Applicant respectfully submits that the Office Action fails to satisfy the requirements set forth in the MPEP. The Office Action is defective for that reason and Applicant respectfully requests correction.

It should be noted here that the UL Report attached as Exhibit 1 to the December 9 REQUEST is a published document and not a Declaration or Affidavit asserting opinion. Therefore, no Section 132 Declaration or Affidavit is submitted with the published document. See MPEP Section 716.02(g).

REQUEST TO RESTART THE PERIOD

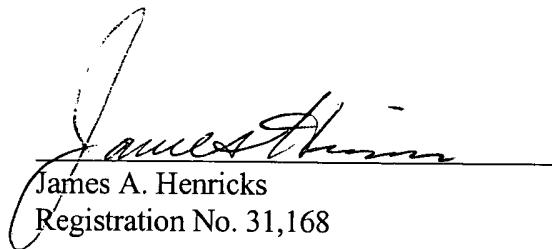
MPEP Section 710.06 states that where an Office Action contains a defect and it is brought to the attention of the Office within one month, the Office will restart the period from the date that the error is corrected. Accordingly, should the Examiner maintain the Section 103 rejections of the claims, Applicant hereby requests that the Examiner answer, either in a new Office Action or in a supplemental Office Action, Applicant's arguments and the documentary support therefore, and that the period for response be restarted.

MAKE CITATION OF NON-PATENT REFERENCE OF RECORD IN THIS CASE

The Examiner states in the rejection of claims 94-97 and 99 that it "would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a surface area of at least 0.01-0.07 square inch and an electrical conductor of at least 16 gauge, since it is old and well-known in the art by increasing the amount of surface area of an electrical conductor of electricity allows a greater amount of current to flow through that conductor." While the Examiner does not cite any reference in support, Applicant notes that the Examiner cited to, but did not make of record, a portion of section 2 of the ARRL Amateur Radio Handbook (69th edition) in support of the same proposition. Applicant respectfully requests that the citation to that reference be made of record.

Reconsideration of the file in this case and favorable action is respectfully requested. Applicant repeats his request for a telephone interview to discuss any rejections that remain after consideration of these papers.

Respectfully submitted,


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Dated: May 12, 2003

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